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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji SATO, et al.
Application No. : 08/750,641
Filing Date : 16 December 1996
Title : SCHEDULE SETTING AND PROCESSING SYSTEM
Art Unit : Office of Petitions
Examiner : L. Walsh

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF
JUDITH M. RUSSO

I, the undersigned, Judith M. Russo, make this declaration in support of the Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b) for the above identified application.

1. From about November 6, 2002, I have been an employee of Kenyon & Kenyon LLP ("Kenyon") in Kenyon's Washington, DC office. My current title is Intellectual Property Support Coordinator.
2. I currently supervise the operation of Kenyon's computerized docketing system for Kenyon's Washington DC office. I am one of over a dozen employees in Kenyon's docketing department.
3. On July 10, 2008, to my recollection, I was consulted by Ingrid Hodge regarding the possible abandoned status of U.S. Patent Application Serial No. 08/750,641 ("641").
4. I have examined the docketing records for '641, and see no evidence that Kenyon received a paper or communication prior to July 2008 indicating that '641 was abandoned. A copy of the docketing report for '641 as of September 15, 2008 is attached as Exhibit 1 to this declaration.

5. As of July 10, 2008, Kenyon's electronic docketing system listed '641 as a pending application and as "PTO lost file-awaiting OA," where "OA" means "Office Action." Kenyon's electronic docketing system indicates that the "PTO lost file-awaiting OA" status was entered into the system on July 15, 2002.

6. A "PTO lost file-awaiting OA" status would appear on various docketing reports, but such a status would not directly prompt the need for action by a prosecuting attorney, as such status makes it clear that Kenyon is awaiting an Office Action from the USPTO.

7. Prior to July 10, 2008, neither the USPTO, nor anyone at Kenyon advised me that '641 had been abandoned.

8. To my knowledge and belief, the entire delay in filing the required reply for '641 from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

I declare that all of the above statements made based on my own knowledge are true and that all of the above statements that were made on information and belief are believed to be true, and further declare that these statements are made with the knowledge that knowing, willful and materially false statements, as are defined under Section 1001 of Title 18 of the United States Code, are punishable by fine, imprisonment, or both under Section 1001, and that such statements may affect the validity of the any patent issuing from '641 if the application is revived.

Dated: 12-10-08

Judith M. Russo
Judith M. Russo

EXHIBIT 1 TO RUSSO DECLARATION

Patentee
Kenyon & Kenyon

Patent Application
Number: 08/750,641

P20030 USW

Client Ref

Office DC

Title SCHEDULE SETTING AND PROCESSING SYSTEM

Patent Jacket Data Sheet

S. O'DOWD
DANIEL G. SHANLEY

L. SCHEUGENPFLUG

Prosecution Particulars		Parties		
Prosecution Status	Live - Pending	Applicant/Regd	TOYOTA JIDOSHA KABUS	
Priority Claimed	6-288,290	Investor	KIZU, Masatoshi	
Patent	PCT/JP95/02459	Investor	MORITA, Makoto	
Application	08/750,641	Investor	SATO, Keiji	
Filed on	01-Dec-1994	Investor	YAMASHITA, Masanobu	
Publication	01-Dec-1995	Reel/Frame	8387 / 229	
Allowed	16-Dec-1995			
Grant Fees Paid				
Grant				
Expiry				
Agent	KENYON N.Y.			
Renewal Particulars				
Renewal Status	Pre-Grant			
Annuity				
Next Due				
Next Cost				
Cost Restol Life				
Comm Date	Communication / Action	Due Date	Last Date	Response Filed
16-Dec-1996	30 MONTH NATIONAL PHASE APPLIC	16-Dec-1996	16-Dec-1996	16-Dec-1996
16-Dec-1996	IDS Due	16-Dec-1996	16-Dec-1996	16-Dec-1996
16-Dec-1996	Preliminary Amendment	16-Dec-1996	16-Dec-1996	16-Dec-1996
16-Dec-1996	Recordal	16-Dec-1996	16-Dec-1996	16-Dec-1996
14-Feb-1997	NOTICE OF ACCEPTANCE OF APPLIC			
14-Mar-1997	Filing Receipt			
18-Mar-1997	IDS - supp1 IDS	18-Mar-1997	18-Mar-1997	18-Mar-1997
07-May-1997	Recordal	07-May-1997	07-May-1997	07-May-1997
02-Jun-1997	IDS - supp1 IDS	02-Jun-1997	02-Jun-1997	02-Jun-1997
27-Jun-1997	IDS - supp1 IDS	27-Jun-1997	27-Jun-1997	27-Jun-1997
04-Sep-1998	IDS - supp1 IDS	04-Sep-1998	04-Sep-1998	04-Sep-1998
17-Mar-1999	IDS - supp1 IDS	17-Mar-1999	17-Mar-1999	17-Mar-1999
12-Oct-1999	Ext of Time Requested	12-Oct-1999	12-Oct-1999	12-Oct-1999
09-Jun-1999	Respond to Official Action	09-Nov-1998	08-Nov-1999	12-Oct-1999
23-Nov-1999	R116 Response to Final Due	23-Jan-2000	23-Jan-2000	23-Jan-2000
23-Nov-1999	Notice of Appeal Due CPA Appfn. Filed Suppl. Info. Decl. State.	23-Feb-2000	23-May-2000	15-Mar-2000
08-Sep-2000		15-Mar-2000	15-Mar-2000	15-Mar-2000
08-Sep-2003	Status Inquiry File IDS per 11/13/03 agent int.	08-Sep-2003	08-Sep-2003	08-Sep-2003
09-Sep-2004	Supplemental IDS Filed	05-Dec-2003	05-Dec-2003	16-Nov-2003
15-Sep-2004	Letter to PTO	09-Sep-2004	09-Sep-2004	09-Sep-2004
06-Aug-2005	Position Filed	15-Sep-2004	15-Sep-2004	15-Sep-2004
06-Aug-2006	Request Continued Examination Advisory Action Received PTO last file-existing OA	06-Aug-2005	06-Aug-2005	06-Aug-2005
12-Sep-2006	Decision on Position - Dismissal	29-Feb-2000	29-Feb-2000	
		16-Jul-2002	15-Jul-2002	
				12-Sep-2006

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10-Sep-2008 Response Re Petition due

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10-Nov-2008 10-Mar-2009

Updated on 09-Nov-2008 Printed 13-Sep-2008

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